

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: JAMES W. GILLIAM et al., :
: :
: Plaintiffs, :
: : 22-CV-7513 (JMF)
-v- :
: :
: DISCOVER BANK et al., :
: :
: Defendants. :
: :
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JESSE M. FURMAN, United States District Judge:

On December 26, 2022, Plaintiffs James and Laura Gilliam requested that the Court take judicial notice of certain judicial precedents, primarily relating to the effectiveness of service and the preference of the Second Circuit to resolve cases on the merits. *See* ECF No. 41. The motion is DENIED as premature. Plaintiffs are free to raise the arguments contained in their motion in response to any motion to dismiss or motion for summary judgment.¹

The Clerk of Court is directed to terminate ECF No. 41 and to mail a copy of this Order to Plaintiff Laura Gilliam.

SO ORDERED.

Dated: December 29, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

¹ Assuming that Plaintiffs do renew their arguments, the Court notes that judicial notice pertains only to “facts,” Fed. R. Evid. 201(b), not to law or legal arguments. Thus, Plaintiffs need not and should not invoke judicial notice to contend that the Court should take into consideration applicable precedent or legal argument.